

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
NORTHERN DIVISION

MARK RICHARD PATRICK,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM DECISION AND
ORDER TRANSFERRING PETITION

Case No. 2:07-CV-985 TS

Petitioner brings this Petitioner pursuant to 28 U.S.C. § 2241. The Tenth Circuit has clarified that “. . . a petition under 28 U.S.C. § 2241 attacks the execution of a sentence rather than its validity and *must be filed in the district where the prisoner is confined.*”¹ The statute further provides that, if a petition is brought outside of the jurisdiction “wherein the restraint complained of is had,” the Court “may transfer the application for hearing and determination to the district court having jurisdiction to entertain it.”² This Court, therefore, lacks jurisdiction over the Petition and, pursuant to 28 U.S.C. § 1631, transfers the case to the United States District Court for the District of Arizona, in which Petitioner is incarcerated.

¹*Bradshaw v. Story*, 86 F.3d 164, 166 (10th Cir. 1996) (emphasis added).

²28 U.S.C. § 2241.


Based upon the above, it is hereby

ORDERED that this case be TRANSFERRED to the District of Arizona. It is further

ORDERED that the Clerk of Court close this case forthwith.

DATED January 3, 2008.

BY THE COURT:



TED STEWART
United States District Judge